

House File 2234 - Introduced

HOUSE FILE 2234

BY WESTRICH

A BILL FOR

1 An Act relating to prohibitions relative to vaccination status
2 and vaccination information, and including effective date
3 provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

VACCINATION STATUS — UNFAIR OR DISCRIMINATORY PRACTICE

Section 1. Section 216.2, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 16. "*Vaccination status*" means the vaccination status of an individual and an individual's decision to disclose or refuse to disclose the individual's vaccination status.

Sec. 2. Section 216.5, subsections 6 and 8, Code 2022, are amended to read as follows:

6. To issue such publications and reports of investigations and research as in the judgment of the commission shall tend to promote goodwill among the various racial, religious, and ethnic groups of the state and which shall tend to minimize or eliminate discrimination in public accommodations, employment, apprenticeship and on-the-job training programs, vocational schools, career and technical education programs, or housing because of race, creed, vaccination status, color, sex, sexual orientation, gender identity, national origin, religion, ancestry, or disability.

8. To make recommendations to the general assembly for such further legislation concerning discrimination because of race, creed, vaccination status, color, sex, sexual orientation, gender identity, national origin, religion, ancestry, or disability as it may deem necessary and desirable.

Sec. 3. Section 216.6, subsection 1, paragraphs a, b, and c, Code 2022, are amended to read as follows:

a. Person to refuse to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment against any applicant for employment or any employee because of the age, race, creed, vaccination status, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such applicant or employee, unless based upon the nature of the occupation. If a person with a disability is qualified

1 to perform a particular occupation, by reason of training or
2 experience, the nature of that occupation shall not be the
3 basis for exception to the unfair or discriminatory practices
4 prohibited by this subsection.

5 **b.** Labor organization or the employees, agents, or members
6 thereof to refuse to admit to membership any applicant, to
7 expel any member, or to otherwise discriminate against any
8 applicant for membership or any member in the privileges,
9 rights, or benefits of such membership because of the
10 age, race, creed, vaccination status, color, sex, sexual
11 orientation, gender identity, national origin, religion, or
12 disability of such applicant or member.

13 **c.** Employer, employment agency, labor organization, or the
14 employees, agents, or members thereof to directly or indirectly
15 advertise or in any other manner indicate or publicize that
16 individuals of any particular age, race, creed, vaccination
17 status, color, sex, sexual orientation, gender identity,
18 national origin, religion, or disability are unwelcome,
19 objectionable, not acceptable, or not solicited for employment
20 or membership unless based on the nature of the occupation.

21 (1) If a person with a disability is qualified to perform a
22 particular occupation by reason of training or experience, the
23 nature of that occupation shall not be the basis for exception
24 to the unfair or discriminatory practices prohibited by this
25 subsection.

26 (2) An employer, employment agency, or their employees,
27 servants, or agents may offer employment or advertise for
28 employment to only persons with disabilities, when other
29 applicants have available to them other employment compatible
30 with their ability which would not be available to persons
31 with disabilities because of their disabilities. Any such
32 employment or offer of employment shall not discriminate among
33 persons with disabilities on the basis of race, color, creed,
34 vaccination status, sex, sexual orientation, gender identity,
35 or national origin.

1 Sec. 4. Section 216.6A, subsection 1, paragraph a,
2 unnumbered paragraph 1, Code 2022, is amended to read as
3 follows:

4 The general assembly finds that the practice of
5 discriminating against any employee because of the age, race,
6 creed, vaccination status, color, sex, sexual orientation,
7 gender identity, national origin, religion, or disability
8 of such employee by paying wages to such employee at a rate
9 less than the rate paid to other employees does all of the
10 following:

11 Sec. 5. Section 216.6A, subsection 1, paragraph b, Code
12 2022, is amended to read as follows:

13 b. The general assembly declares that it is the policy
14 of this state to correct and, as rapidly as possible, to
15 eliminate, discriminatory wage practices based on age, race,
16 creed, vaccination status, color, sex, sexual orientation,
17 gender identity, national origin, religion, and disability.

18 Sec. 6. Section 216.6A, subsection 2, paragraph a, Code
19 2022, is amended to read as follows:

20 a. It shall be an unfair or discriminatory practice for any
21 employer or agent of any employer to discriminate against any
22 employee because of the age, race, creed, vaccination status,
23 color, sex, sexual orientation, gender identity, national
24 origin, religion, or disability of such employee by paying
25 wages to such employee at a rate less than the rate paid to
26 other employees who are employed within the same establishment
27 for equal work on jobs, the performance of which requires equal
28 skill, effort, and responsibility, and which are performed
29 under similar working conditions. An employer or agent of an
30 employer who is paying wages to an employee at a rate less than
31 the rate paid to other employees in violation of [this section](#)
32 shall not remedy the violation by reducing the wage rate of any
33 employee.

34 Sec. 7. Section 216.6A, subsection 3, paragraph d, Code
35 2022, is amended to read as follows:

1 *d.* Pay differential is based on any other factor other than
2 the age, race, creed, vaccination status, color, sex, sexual
3 orientation, gender identity, national origin, religion, or
4 disability of such employee.

5 Sec. 8. Section 216.7, subsection 1, paragraphs a and b,
6 Code 2022, are amended to read as follows:

7 *a.* To refuse or deny to any person because of race,
8 creed, vaccination status, color, sex, sexual orientation,
9 gender identity, national origin, religion, or disability
10 the accommodations, advantages, facilities, services, or
11 privileges thereof, or otherwise to discriminate against any
12 person because of race, creed, vaccination status, color, sex,
13 sexual orientation, gender identity, national origin, religion,
14 or disability in the furnishing of such accommodations,
15 advantages, facilities, services, or privileges.

16 *b.* To directly or indirectly advertise or in any other
17 manner indicate or publicize that the patronage of persons of
18 any particular race, creed, vaccination status, color, sex,
19 sexual orientation, gender identity, national origin, religion,
20 or disability is unwelcome, objectionable, not acceptable, or
21 not solicited.

22 Sec. 9. Section 216.8, subsection 1, paragraphs a, b, c, and
23 *d*, Code 2022, are amended to read as follows:

24 *a.* To refuse to sell, rent, lease, assign, sublease, refuse
25 to negotiate, or to otherwise make unavailable, or deny any
26 real property or housing accommodation or part, portion, or
27 interest therein, to any person because of the race, color,
28 creed, vaccination status, sex, sexual orientation, gender
29 identity, religion, national origin, disability, or familial
30 status of such person.

31 *b.* To discriminate against any person because of the
32 person's race, color, creed, vaccination status, sex, sexual
33 orientation, gender identity, religion, national origin,
34 disability, or familial status, in the terms, conditions,
35 or privileges of the sale, rental, lease assignment, or

1 sublease of any real property or housing accommodation or any
2 part, portion, or interest in the real property or housing
3 accommodation or in the provision of services or facilities in
4 connection with the real property or housing accommodation.

5 c. To directly or indirectly advertise, or in any other
6 manner indicate or publicize that the purchase, rental,
7 lease, assignment, or sublease of any real property or housing
8 accommodation or any part, portion, or interest therein, by
9 persons of any particular race, color, creed, vaccination
10 status, sex, sexual orientation, gender identity, religion,
11 national origin, disability, or familial status is unwelcome,
12 objectionable, not acceptable, or not solicited.

13 d. To discriminate against the lessee or purchaser of any
14 real property or housing accommodation or part, portion, or
15 interest of the real property or housing accommodation, or
16 against any prospective lessee or purchaser of the property or
17 accommodation, because of the race, color, creed, vaccination
18 status, religion, sex, sexual orientation, gender identity,
19 disability, age, or national origin of persons who may from
20 time to time be present in or on the lessee's or owner's
21 premises for lawful purposes at the invitation of the lessee
22 or owner as friends, guests, visitors, relatives, or in any
23 similar capacity.

24 Sec. 10. Section 216.8A, subsections 1, 2, and 5, Code 2022,
25 are amended to read as follows:

26 1. A person shall not induce or attempt to induce another
27 person to sell or rent a dwelling by representations regarding
28 the entry or prospective entry into a neighborhood of a person
29 of a particular race, color, creed, vaccination status, sex,
30 sexual orientation, gender identity, religion, national origin,
31 disability, or familial status.

32 2. A person shall not represent to a person of a
33 particular race, color, creed, vaccination status, sex, sexual
34 orientation, gender identity, religion, national origin,
35 disability, or familial status that a dwelling is not available

1 for inspection, sale, or rental when the dwelling is available
2 for inspection, sale, or rental.

3 5. A person shall not deny another person access to,
4 or membership or participation in, a multiple-listing
5 service, real estate brokers' organization or other service,
6 organization, or facility relating to the business of selling
7 or renting dwellings, or discriminate against a person in terms
8 or conditions of access, membership, or participation in such
9 organization because of race, color, creed, vaccination status,
10 sex, sexual orientation, gender identity, religion, national
11 origin, disability, or familial status.

12 Sec. 11. Section 216.8A, subsection 4, paragraph a, Code
13 2022, is amended to read as follows:

14 a. A person whose business includes engaging in residential
15 real estate related transactions shall not discriminate
16 against a person in making a residential real estate
17 related transaction available or in terms or conditions of a
18 residential real estate related transaction because of race,
19 color, creed, vaccination status, sex, sexual orientation,
20 gender identity, religion, national origin, disability, or
21 familial status.

22 Sec. 12. Section 216.9, subsection 1, unnumbered paragraph
23 1, Code 2022, is amended to read as follows:

24 It is an unfair or discriminatory practice for any
25 educational institution to discriminate on the basis of race,
26 creed, vaccination status, color, sex, sexual orientation,
27 gender identity, national origin, religion, or disability in
28 any program or activity. Such discriminatory practices shall
29 include but not be limited to the following practices:

30 Sec. 13. Section 216.10, subsection 1, paragraphs a, b, and
31 c, Code 2022, are amended to read as follows:

32 a. Creditor to refuse to enter into a consumer credit
33 transaction or impose finance charges or other terms or
34 conditions more onerous than those regularly extended by that
35 creditor to consumers of similar economic backgrounds because

1 vaccination information of a person shall only be maintained
2 in the person's medical record as protected health information
3 subject to the federal Health Insurance Portability and
4 Accountability Act of 1996, Pub. L. No. 104-191.

5 DIVISION III

6 EFFECTIVE DATE

7 Sec. 16. EFFECTIVE DATE. This Act, being deemed of
8 immediate importance, takes effect upon enactment.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill relates to vaccination status and vaccination
13 records.

14 Division I of the bill prohibits unfair or discriminatory
15 practices on the basis of vaccination status under Code chapter
16 216 in regard to employment, accommodations or services,
17 housing, education, or credit. Remedial measures under Code
18 chapter 216 are applicable to such conduct.

19 The bill defines "vaccination status" as the vaccination
20 status of an individual and an individual's decision to
21 disclose or refuse to disclose the individual's vaccination
22 status.

23 Division II of the bill relates to the maintenance of a
24 person's vaccination information, and provides that unless
25 otherwise specifically allowed by law, the vaccination
26 information of a person shall only be maintained in the
27 person's medical record and treated as protected health
28 information under the federal Health Insurance Portability and
29 Accountability Act (HIPAA).

30 Division III provides that the Act takes effect upon
31 enactment.